

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF THE CLAIMS

Claims 1-22 are again presented for continued prosecution.

B. REJECTION UNDER 35 U.S.C. §103

The Examiner has rejected the subject matter of claim 1-22 as being obvious in view of commonly assigned PCT publication WO 99/53951, (hereinafter "WO '951). Reconsideration and removal of the rejection in view of the comments made herein is respectfully requested. WO '951 discloses terminally branched polymers, linkers and polymeric conjugates. Contrary to the position of the Examiner, the claimed invention is urged distinguishable the recover. The claims previously presented required that D₁ and D₂ both cannot both be OH. The claims amended herein further clarify that at least one of D'₁, D''₂, D''₁ and D''₂ is not OH. Thus, the claims require the terminal groups to include at least one of moiety (IV) or (V). Each of these moieties has an aromatic group which facilitates the benzyl-elimination reaction to regenerate or release the drug or biologically active moiety attached thereto. See the specification, page 6, lines 8-16 for statements concerning the advantages associated therewith. See also, Section B of the Detailed Sescription beginning on page 10 which provides details concerning the aromatic systems included in the claimed invention. The amendments made herein to the claims are believed to distinguish the invention over the reference. The possibility of having each terminal group of the claimed invention not including an aromatic group for its benzyl-elimination properties has been excluded from the claims. There is no disclosure in the reference to provide the specific moieties of (IV) or (V) as required by the claims. Moreover, merely making the change to the variable "q" would fail to provide the claimed invention. There is no motivation to provide the specific (IV) or (V) moieties. Reconsideration and removal of the rejection as therefore proper and respectfully requested.

C. EXTENSION OF TIME PETITION

This response is being filed with a petition for a two month extension of time. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

D. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP



Michael N. Mercanti
Reg. No. 33,966

LUCAS & MERCANTI, L.L.P.
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002